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REPLY TO MINNEAPOLIS

September 12, 2012

**VIA ECF & E-MAIL**

The Honorable Ann D. Montgomery  
United States District Court  
13W U.S. Courthouse  
330 South Fourth Street  
Minneapolis, MN 55415

Re: *Stichting Pensioenfonds ABP v. Ally Financial, Inc., et al.*  
Court File No. 12-cv-1381

Dear Judge Montgomery:

Per the parties' agreed briefing schedule, Plaintiff will be responding to three motions to dismiss Plaintiff's Complaint filed by certain defendant groups on Friday, Sept. 14, 2012.

Pursuant to D. Minn. L.R. 7.1(f)(1)(D), Plaintiff submits this letter seeking permission to file an omnibus brief which would exceed the word limit permitted by the Local Rules for one memorandum. *See* D. Minn. L.R. 7.1(f)(1)(A). Currently, Plaintiff is permitted to respond to two of the motions to dismiss (ECF No. 37 – Individual Defendants<sup>1</sup> and ECF No. 45 – Ally Defendants<sup>2</sup>) with briefs containing up to 12,000 words and one of the motions to dismiss (ECF No. 42 – Underwriter Defendants<sup>3</sup>) with a brief containing up to 15,000 words.<sup>4</sup>

Submitting an omnibus brief in response to all three outstanding motions to dismiss would permit Plaintiff to consolidate arguments and avoid repetition. While Plaintiff requests that it be permitted the total words it would have been allotted for the three briefs had it been filing individual responses, it anticipates that the efficiencies an omnibus brief will allow it to file a brief less than the 39,000 total words permitted across the three individual briefs.

<sup>1</sup> Individual Defendants include Bruce J. Paradis, Kenneth M. Duncan, Davee L. Olson, Ralph T. Flees, Lisa R. Lundsten, David C. Walker, James G. Jones, David M. Bricker, James N. Young, and Diane Wold.

<sup>2</sup> Ally Defendants include Ally Financial Inc. and Ally Securities LLC.

<sup>3</sup> Underwriter defendants include Deutsche Bank Securities Inc., J.P. Morgan Securities LLC, Banc of America Securities LLC, Barclays Capital Inc., and Merrill Lynch, Pierce, Fenner & Smith Inc.

<sup>4</sup> On August 1, 2012, the Court granted Underwriter Defendants and Plaintiffs a 3,000 word extension in regard to the Underwriter briefing. (ECF No. 60). On August 10, 2012, the Court issued a letter clarifying that this 3,000 word extension applies only to the Underwriter Defendants' Motion to Dismiss briefing. (ECF No. 62).

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Plaintiff has presented its proposal of submitting an omnibus brief to opposing counsel. Individual Defendants and Ally Defendants do not oppose this request. Underwriter Defendants take no position on Plaintiff's request.

Plaintiff respectfully requests that the Court grant Plaintiff leave to file an omnibus brief in response to Defendants' three motions to dismiss not to exceed the word count permitted for the three opposition briefs combined.

Thank you for your consideration of this matter.

Very truly yours,

LOCKRIDGE GRINDAL NAUEN P.L.L.P.



Elizabeth R. Odette

ERO/brg

cc: All counsel of record (via ECF)